

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/811,898	03/05/97	EBERLE III	H HWE-103A

KENNETH P GLYNN
SUITE 201 PLAZA ONE
ONE ROUTE 12 W
FLEMINGTON NJ 08822-1731

PM32/0510

EXAMINER

LEV, B

ART UNIT	PAPER NUMBER
3634	

DATE MAILED: 05/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

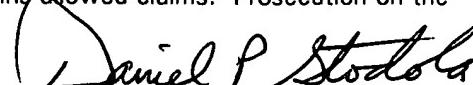
Defective Notice of Appeal or Brief	Application No. 08/811,898	Applicant(s) Eberle
	Examiner Bruce A. Lev	Group Art Unit 3634

- The Notice of Appeal filed on _____ is:
- not acceptable because:
- it was not timely filed.
 - the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).
 - the appeal fee received on _____ was not timely filed.
 - the submitted fee of \$ _____ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$ _____ .
 - the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.
 - a Notice of Allowability, form PTO-37, was mailed by the Office on _____ .

- The appeal brief filed on _____ is NOT acceptable for the reason(s) indicated below:
- The brief and/or brief fee is untimely. See 37 CFR 1.192.
 - The statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).
 - The submitted brief fee of \$ _____ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$ _____ .

The appeal in this application will be dismissed unless corrective action is taken. Extensions of time may be obtained under 37 CFR 1.136(a).

- The appeal in this application is DISMISSED because:
- The fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
 - The brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
- Because of the dismissal of the appeal, this application:
- is abandoned because there are no allowed claims.
 - is being returned to the examiner for final disposition because it contains allowed claims. Prosecution on the merits is CLOSED.



Daniel P. Stodola
Supervisory Patent Examiner
Group 3600